

RECEIVED  
CENTRAL FAX CENTER

DEC 27 2005

WEMMH PTO/SB/21 (09-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

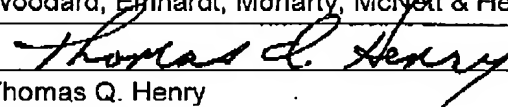
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/008,781	
	Filing Date	November 13, 2001	
	First Named Inventor	Hathaway, David	
	Art Unit	3731	
	Examiner Name	Julian Woo	
Total Number of Pages in this Submission	0	Attorney Docket Number	7037-438


## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached Credit Card Payment Form <input checked="" type="checkbox"/> Amendment Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

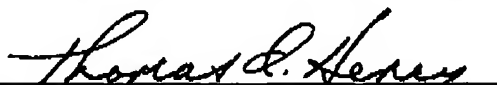
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP	
Signature		
Printed Name	Thomas Q. Henry	
Date	December 27, 2005	Reg. No. 28,309

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mailing Label No. \_\_\_\_\_, on the date indicated below.
- ☒ I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on the date indicated below.



Typed/printed name of person signing this certificate



Signature

December 27, 2005

Date

DEC/27/2005/TUE 02:18 PM WOODARD EMHARDT

FAX No. 317 637 7561 DEC 27 2005 P. 002

WEMMH PTO/SB/17 (02/04)

Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3>		<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td>10/008/781</td> </tr> <tr> <td>Filing Date</td> <td>November 13, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Hathaway, David</td> </tr> <tr> <td>Examiner Name</td> <td>Julian Woo</td> </tr> <tr> <td>Art Unit</td> <td>3731</td> </tr> <tr> <td>Attorney Docket No.</td> <td>7037-438</td> </tr> </table>		Application Number	10/008/781	Filing Date	November 13, 2001	First Named Inventor	Hathaway, David	Examiner Name	Julian Woo	Art Unit	3731	Attorney Docket No.	7037-438																		
Application Number	10/008/781																																
Filing Date	November 13, 2001																																
First Named Inventor	Hathaway, David																																
Examiner Name	Julian Woo																																
Art Unit	3731																																
Attorney Docket No.	7037-438																																
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																																	
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 250.00																																	
<b>METHOD OF PAYMENT (check all that apply)</b>																																	
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____																																	
<input checked="" type="checkbox"/> Deposit Account Deposit Account number: <u>23-3030</u> Deposit Account Name: <u>Woodard, Emhardt, Moriarty, McNett &amp; Henry LLP</u> For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)																																	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee																																	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments.																																	
<b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																	
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>																																	
<b>FILING FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Application Type</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>300</td> <td>150</td> </tr> <tr> <td>Design</td> <td>200</td> <td>100</td> </tr> <tr> <td>Plant</td> <td>200</td> <td>100</td> </tr> <tr> <td>Reissue</td> <td>300</td> <td>150</td> </tr> <tr> <td>Provisional</td> <td>200</td> <td>100</td> </tr> </tbody> </table>		Application Type	Fee (\$)	Small Entity Fee (\$)	Utility	300	150	Design	200	100	Plant	200	100	Reissue	300	150	Provisional	200	100	<b>SEARCH FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Small Entity Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>500</td> </tr> <tr> <td>Design</td> <td>100</td> </tr> <tr> <td>Plant</td> <td>300</td> </tr> <tr> <td>Reissue</td> <td>500</td> </tr> <tr> <td>Provisional</td> <td>0</td> </tr> </tbody> </table>			Small Entity Fee (\$)	Utility	500	Design	100	Plant	300	Reissue	500	Provisional	0
Application Type	Fee (\$)	Small Entity Fee (\$)																															
Utility	300	150																															
Design	200	100																															
Plant	200	100																															
Reissue	300	150																															
Provisional	200	100																															
	Small Entity Fee (\$)																																
Utility	500																																
Design	100																																
Plant	300																																
Reissue	500																																
Provisional	0																																
		<b>EXAMINATION FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Small Entity Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>200</td> </tr> <tr> <td>Design</td> <td>130</td> </tr> <tr> <td>Plant</td> <td>160</td> </tr> <tr> <td>Reissue</td> <td>600</td> </tr> <tr> <td>Provisional</td> <td>0</td> </tr> </tbody> </table>			Small Entity Fee (\$)	Utility	200	Design	130	Plant	160	Reissue	600	Provisional	0																		
	Small Entity Fee (\$)																																
Utility	200																																
Design	130																																
Plant	160																																
Reissue	600																																
Provisional	0																																
		<b>Fees Paid (\$)</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																															
<b>2. EXCESS CLAIM FEES</b>																																	
<b>Fee Description</b>		<b>Fee (\$)</b> <b>Small Entity Fee (\$)</b>																															
Each claim over 20 (including Reissues)		50    25																															
Each independent claim over 3 (including Reissues)		200    100																															
Multiple dependent claims		360    180																															
<b>Total Claims</b> <b>Extra Claims</b> <b>Fee (\$)</b> <b>Fee Paid (\$)</b> 21    -20 or HP    =1    x50.00    =50.00		<b>Multiple Dependent Claims</b> <b>Fee (\$)</b> <b>Fee Paid (\$)</b> x    =																															
<b>Independent Claims</b> <b>Extra Claims</b> <b>Fee (\$)</b> <b>Fee Paid (\$)</b> 4    -3 or HP    =1    x200.00    =200.00																																	
HP = highest number of total claims paid for, if greater than 20																																	
HP = highest number of independent claims paid for, if greater than 3																																	
<b>3. APPLICATION SIZE FEE</b> If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s).																																	
<b>Total Sheets</b> <b>Extra Sheets</b> <b>Number of each additional 50 or fraction thereof</b> <b>Fee (\$)</b> <b>Fee Paid (\$)</b> _____    -100    = _____ /50    = _____ (round up to a whole number)    x _____    = _____																																	
<b>4. OTHER FEE(S)</b> Non-English Specification, \$130 fee (no small entity discount) Other (e.g., late filing surcharge): _____																																	
<b>Fee Paid (\$)</b> _____ _____ _____																																	

<b>SUBMITTED BY:</b>			
Signature		Registration No.: (Attorney/Agent)	28,309    Telephone: (317) 634-3456
Name (Print/Type):	Thomas Q. Henry	Date:	December 27, 2005
<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:			
Name (Print/Type)	Thomas Q. Henry		
Signature		Date	December 27, 2005

WEMMH #317053 (Rev. 7/05)

RECEIVED  
CENTRAL FAX CENTER

DEC 27 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Hathaway ) Before the Examiner  
Serial No. 10/008,781 ) Woo, Julian W.  
Filed November 13, 2001 ) Group Art Unit  
3731  
APPARATUS AND METHOD FOR )  
POSITIVE CLOSURE OF AN )  
INTERNAL TISSUE MEMBRANE )  
OPENING )

RESPONSE TO FINAL OFFICE ACTION  
UNDER 37 C.F.R. §1.111

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 27, 2005, Applicants respectfully request entry of the following amendments and consideration of the accompanying remarks.

Amendments to the claims begin on page 2 of this transmittal.

Remarks begin on page 6 of this transmittal.

Additionally, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 23-3030, but do not include any payment of issue fees that are or may become due.

I certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Gail Mercer

Typed or Printed Name of Person Transmitting Correspondence

*Gail Mercer*

Signature of Person Transmitting Correspondence

December 27, 2005

Date of Signature

Hathaway, USSN 10/008,781  
RESPONSE TO FIRST OFFICE ACTION  
7037-438.Q.280158v2

Page 1 of 7

12/28/2005 MBINAS 00000001 10000781

01 FC:1202  
02 FC:1201

50.00 OP  
200.00 OP  
Atty. Docket 7037-438